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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/862,865
Filing Date: May 22, 2001
Appellant(s): COUPLAND ET AL.

Christopher J. Rourk
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 21, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that the following claim groups do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Group I: claims 1, 15 and 23-25

Group II: claims 2, 8, 13, and 17

Group III: claims 3 and 22

Group IV: claims 4 and 9

Group V: claims 5 and 10

Group VI: claims 6, 11, 19 and 20

Group VII: claims 7

Group VIII: claims 12, 16 and 21

Group IX: claims 14 and 18

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

2002/0099576 A1 MacDonald et al. 7-2002

"Hotel Reservations Network Taps Pegasus Systems to Expand Online Hotel Reservation Capabilities Agreement; Adds 22,000 Hotels to HRM'S Consumer Web Site," PR Newswire, New York September 30, 1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. The ground(s) for rejection are reproduced below from the final Office Action and are provided here for the convenience of both Appellant and the Board of Patent Appeals:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 15-17 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by MacDonald Patent Application Publication US 2002/0099576 A1.

Referring to claim 1. MacDonald discloses a system for providing reservation data comprising:

- A reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems (Fig.1); and
- A master reservation system (Fig.1, "22" and "30") coupled to the reservation data system (Fig. 1, "22" and "30"), the master reservation system receiving the reservation inventory data and storing the reservation inventory data in a database, the master reservation system receiving the inventory update data and updating the database with the inventory update data (paragraph 0007 and paragraph 0008);
- A user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing updated reservation inventory data in response to the reservation request data (Fig. 1, "12"); and
- Wherein the inventory update data is generated in real time as each reservation system is updated to reflect current inventory (paragraph 0040).

Referring to claim 2. MacDonald further discloses a system comprising a monitoring system coupled to the master reservation system, the monitoring system storing each set of inventory update data and sequence number data associated with the set of inventory update data (paragraph 0035 through paragraph 0045).

Referring to claim 3. MacDonald further discloses a system comprising a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data system and transmitting the inventory update data to reservation data system interface (paragraph 0005).

Referring to claim 4. MacDonald further discloses a system wherein the master reservation system comprises a chain system receiving chain modification data and updating the database with the chain modification data (Fig. 1, "HOTEL 1" and "HOTEL 2").

Referring to claim 5. MacDonald further discloses a system wherein the master reservation system comprises a property system receiving property modification data and updating the database with the property modification data (paragraph 0033 and paragraph 0034).

Referring to claim 6. MacDonald further discloses a system wherein the master reservation system comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 7. MacDonald further discloses a system wherein the master reservation system comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data (paragraph 0033 and paragraph 0034).

Referring to claim 8. MacDonald discloses a method for providing reservation data comprising:

- Storing reservation inventory data from two or more reservation data systems in a database (Fig. 1);
- Receiving inventory status update data from one or more of the reservation data systems in real-time as such inventory status update data is implemented in the associated reservation data system (paragraph 0040);
- Updating the database with the inventory status update data (paragraph 0040); and
- Storing the inventory status update data with an associate sequence number (paragraph 0035 through paragraph 0045).

Referring to claim 9. MacDonald further discloses a method wherein storing reservation inventory data from two or more reservation data systems in a database comprises storing hotel chain data (Fig. 1, "HOTEL 1" and "HOTEL 2").

Referring to claim 10. MacDonald further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing property data (Fig. 1).

Referring to claim 11. MacDonald further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing rate plan data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 12. MacDonald further discloses a method wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room availability update data that indicates that a room that had previously been indicated as being reserved (paragraph 0033 and paragraph 0034).

Referring to claim 13. MacDonald further discloses a method wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room price update data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 15. MacDonald discloses a method for providing reservation data comprising:

- Storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database (Fig. 1);
- Receiving a request for reservation data for one or more of the properties at a central interface (paragraph 0008);
- Providing reservation data reflecting the current status of the property (paragraph 0008); and
- Wherein the available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and wherein the current status of the available inventory at each property reflects such independent modifications (paragraph 0025).

Referring to claim 16. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database further comprises updating the database with status update data reflecting the availability of previously unavailable inventory (paragraph 0033 and paragraph 0034).

Referring to claim 17. MacDonald further discloses a method wherein updating the database with status update data further comprises storing the status update data and a unique transaction sequence number associated with the status update data (paragraph 0035 through paragraph 0045).

Referring to claim 19. MacDonald further discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 20. MacDonald further discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 21. MacDonald further discloses a system wherein the reservation inventory data includes room availability data for each of the available rooms at each property managed by each of the two or more reservation systems, and where the inventory update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at the property and which have since become unavailable (paragraph 0033 and paragraph 0034).

Referring to claim 22. MacDonald further discloses a system comprising:

- A master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data regardless of the source of the inventory update data system and transmitting the inventory update data to the reservation data system interface (fig. 1);
- A status update system providing status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system (paragraph 0005); and
- Wherein the master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system (paragraph 0008).

Referring to claim 23. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises:

- Receiving status update data at a local property reservation system when a room at a property has been reserved (paragraph 0033 and paragraph 0034);
- Transmitting the status update data to the database (paragraph 0033 and paragraph 0034); and
- Updating a central database to decrease the number of available rooms for the property (paragraph 0033 and paragraph 0034).

Referring to claim 24. MacDonald further discloses a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprising:

- Receiving status update data at a local property reservation system when a rate plan at a property has been changed (paragraph 0005);
- Transmitting the status update data to the database (paragraph 0005); and
- Updating a central database to change the rate plan for each of the rooms for the property (paragraph 0005).

Referring to claim 25. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises:

- Receiving status update data at a hotel chain reservation system when distribution channel data for a hotel chain has been changed (paragraph 0033 and paragraph 0034);
- Transmitting the status update data to the database (paragraph 0033 and paragraph 0034); and
- Updating a central database to change the distribution channel data for each of two or more properties in the hotel chain (paragraph 0033 and paragraph 0034).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald Patent Application Publication US 2002/0099576 A1 in view of HRN (PTO-892, Ref U).

Referring to claim 14. MacDonald et al. discloses a method according to claim 8 as indicated supra. MacDonald et al. does not expressly disclose receiving status update data from one or more of the reservation data systems comprises receiving distressed inventory data. HRN discloses receiving status update data from one or more of the reservation data systems comprises receiving distressed inventory data (at least page 1, paragraph 2, i.e. "HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of MacDonald to have included the limitations of HRN as discussed above in order to allow easy access to continuously updated information concerning availability of units (paragraph 0005).

Referring to claim 18. MacDonald et al. discloses a method according to claim 15 as indicated supra. MacDonald et al. does not expressly disclose a method wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory. HRN discloses a method wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory (at least page 1, paragraph 2, i.e. "HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities.").

(11) Response to Argument

Group I (claims 1, 15 and 23-25)

The Appellant argues (page 12, line 24 to page 13, line 5, Appeal Brief) that MacDonald teaches away from a "Vendor System," whereby paragraph 0025 states, "Reservation takers, for example, owners or agents of hotels **18** or cruise ship lines **20**, provide plans showing the arrangement of units for which reservations can be accepted to the website server **22**..."

The Examiner notes, claim 1 of the instant application is not limited to a computerized vendor system. A person entering data manually is not excluded by claim 1 as recited. Claim 1 of the instant application is merely directed to a system receiving reservation inventory data and inventory update data from two or more reservation systems. In one embodiment discussed by MacDonald, as referenced by the Applicant, information is manually entered by a person and received by a master reservation system. In claim 1 as written, a reservation system (vendor system) could merely be a clerk emailing information to a master reservation system.

The Examiner furthers notes, even if it was construed that the instant invention was only limited to a computerized reservation system and that MacDonald didn't teach this limitation, the Courts have held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). In both the instant application and MacDonald the method includes using updated information to display the availability status of lodging facilities.

The Appellant argues that MacDonald fails to disclose "a reservation data system interface receiving reservation inventory data and inventory data from two or more reservation systems." (page 13, lines 12-13, Appeal Brief")

The Examiner notes, MacDonald is used to manage reservations. MacDonald may be used in many applications involving reservations, e.g., to manage reservations for hotel rooms, rental condos or spaces at a campground. In each case, a diagram of the space (hotel, condominium or campground) would be provided, and users could click on a particular unit (room/condo unit/space) and obtain information regarding availability of that unit, and a view of the unit (MacDonald: claim 8, claim 9 or claim 10). MacDonald allows a person in charge of managing reservations to provide travelers (or others wishing to make reservations) with easy access to continuously updated information concerning availability of units.

The summary of the instant invention (page 4 of the specification as originally filed) defines a system and method that allows lodging reservation data from distributed sources to be assembled and compiled into a single database that is updated as rates or room availability changes, so as to allow a user to perform comparative analysis between available lodgings. The system includes a reservation data system interface that receives reservation data, such as the availability of rooms and rates for such rooms, and update data, such as when rates change or rooms are reserved, from two or

more reservation systems, such as central reservation systems for two or more different hotels.

This is equivalent to the system illustrated by MacDonald (paragraph 0013) whereby the invention features a method including (a) at a server (single database), storing plans of accommodations available at different locations (reservation data from distributed sources), (b) receiving at the server continually updated information about the availability of the accommodations at the different locations during defined time periods, and (c) making the plans and the continually updated information available on a publicly accessible communication network to customers for the accommodations.

This is further illustrated by paragraph 0008 whereby MacDonald features a method including (a) obtaining at least one plan of units for each of multiple places of accommodation, the different places of accommodation having different configurations, (b) making the plans of units available through a publicly accessible electronic network, (c) receiving continually updated information concerning the availability state of each of the units displayed on each plan during specified time periods, and (d) making the updated information available through the network so that it can be accessed by a user while viewing any of the plans of units.

Figure 1 of MacDonald shows a plurality of Hotels **18** that transfer reservation data to a central Web Site server **22**. The central Web Site server **22** stores this information into a single database **30**.

The Appellant argues that MacDonald entirely fails to disclose "two or more reservation data systems, " where the "available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and the current status of the available inventory at each property reflects such independent modifications." (page 14, lines 10-25, Appeal Brief")

Figure 1 of MacDonald shows a plurality of Hotels (two or more reservation data systems), each Hotel contains an independent reservation data system. The reservation data systems continuously provides the website server (independently modified) updated information concerning the availability state of the units

Group II (claims 2, 8, 13 and 17)

The Appellant argues that MacDonald does not include a monitoring system coupled to the master reservation system that stores each set of inventory update data and sequence number data associated with the set of inventory update data. (page 15, lines 8-26, Appeal Brief)

The Examiner notes, MacDonald does disclose a monitoring system coupled to the master reservation system. MacDonald allows reservation takers to provide the website server with continuously updated information concerning the availability state of the units. This information is associated with the units on the electronically represented version of the plan, and indicators (monitoring system) are provided next to individual units to provide a visual indication of the availability state of the units when the plan is displayed on a webpage on the website (paragraph 0025).

The Appellant further argues if the database of MacDonald crashes and must be rebuilt, any updates that were submitted by owners or agents using a web browser would be lost. (page 15, lines 8-26, Appeal Brief)

The Examiner notes, claim 2 of the instant application does not contain sufficient structural specificity to indicate that if the database of the instant application crashed and must be rebuilt, any updates that were submitted by owners or agents using a web browser would be saved.

The Examiner further notes, the type of data being stored by the monitoring system, (i.e. inventory update data and sequence number data) is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The monitoring step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Group III (claims 3 and 22)

The Appellant reiterates arguments that were address above.

The Examiner notes, MacDonald discloses a system wherein reservation makers are able to check on the availability of units at a place of accommodation over the Internet. Using a standard web browser users can connect to a website via the Internet.

The dynamic graphical indication of reservation availability is compatible with widely used web browser software and is based on real time data received from respective lodging reservation systems. For example, the software system of a cruise line is issued an information request by the website server, requesting the most current reservation availability status for the cabins shown on the "Mariner Deck" for use in this single web page rendering (paragraph 0028). Repeating this requesting act querying the most current reservation availability status allows the data to become current in the event an update was delayed.

Group IV (claims 4 and 9)

The Attorney argues that MacDonald does not disclose a master reservation system that comprises a chain system receiving chain modification data and updating the database with the chain modification data.

The Examiner notes, in the example shown in Figure 2, the calendar period of inquiry for cabin reservation availability is "Sailing Date: 12/26/2000." This date has been compared by the web server against information provided by the appropriate cruise ship line to generate a schematic diagram. The schematic diagram is preloaded with a graphical indication of reservation availability for each cabin shown. The dynamic graphical indication of reservation availability is compatible with widely used web browser software and is based on real time data received from respective cruise line reservation systems. For example, the software system of a cruise line is issued an information request by the website server, requesting the most current reservation

availability status for particular cabins. The display reports additional reservation information and descriptive information for any shown cabin in response to a request from the web browser user. The reports are made by continually updating the display with a cabin availability status message and cabin description message in the vicinity of the web browser user's indicated cabin on the diagram (paragraph 0028 through paragraph 0030).

The Examiner further notes, the type of data being stored by the master reservation system, (i.e. chain modification data) is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The storing step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Group V (claims 5 and 10)

The Appellant reiterates arguments that were addressed above.

Group VI (claims 6, 11, 19 and 20)

The Appellant argues that MacDonald does not comprise a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data. (page 20, lines 5-13, Appeal Brief)

The Examiner notes (paragraph 0005) the present invention provides systems and methods for managing reservations, e.g., reservations for units in lodging facilities such as cabins on cruise ships and rooms or suites in hotels, using the Internet. The invention allows a person wishing to make a reservation to easily access information regarding the availability of units (e.g., cabins or rooms) during a particular time period by visiting a website that includes plans showing various areas of a place of accommodation (e.g., a deck of a ship or floor of a hotel). Because the user can view a plan of the place of accommodation, the user can easily compare the relative desirability of various units, for example by observing how close the unit is to an elevator or shared bathroom. In some implementations, the website includes plans for many different places of accommodation having different configurations of units. The invention also allows a person in charge of managing reservations to provide travelers (or others wishing to make reservations) with easy access to continuously updated information concerning availability of units. In some implementations, the website provides the user with information regarding the cost and features (rate plan) of particular units.

The Examiner further notes, the type of data being stored by the master reservation system, (i.e. rate plan modification data) is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The storing step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of

patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Group VII (claim 7)

The Appellant reiterates arguments that were address above.

Group VIII (claims 12, 16 and 21)

The Appellant argues that MacDonald fails to disclose how to change the status of a room from being unavailable to a status of being available. (page 22, lines 11-17, Appeal Brief).

The Examiner notes, MacDonald (paragraph 0005) allows a person in charge of managing reservations to provide travelers (or others wishing to make reservations) with easy access to continuously updated information concerning availability of units. In some implementations, the website provides the user with information regarding the cost and features (rate plan) of particular units. Continuously updated information concerning availability would include changing a room's status from unavailable to available.

The Examiner further notes, the type of data being received, (i.e. that a room had previously been indicated as reserved) is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The receiving step would be performed the same regardless of the data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Group IX (claims 14 and 18)

The Examiner notes, the Appellant (page 23, lines 24-25, Appeal Brief) admits that systems for offering distressed inventory were known in the prior art.

The Examiner further notes, with respect to claims 14 and 18, the Appellant does not specifically point out how the language of the claims patentably distinguishes them from the references.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,
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